

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CALVIN FLETCHER, SR.,)
Plaintiff,)
v.)
JOSEPH TOMLINSON, et al.,) Case No.: 4:14-cv-999-RLW
Defendants.)

PLAINTIFF'S MOTION TO COMPEL AND MEMORANDUM OF LAW IN SUPPORT

COMES NOW, Plaintiff, by and through counsel, and states the following for his Motion to Compel Against Defendants Corizon, Straughter, Scott, and Sanchez:

1. Two nurses provided care to the plaintiff, Mr. Fletcher, while he was confined in the St. Louis City Justice Center on March 9, 2013 (Night Shift) and on March 10, 2013 (Evening Shift). (*See* Corizon 0019, 21.) These are the days where the nurses' notations specifically indicate that Mr. Fletcher complained of severe kidney pain, difficulty urinating, pain with urination, and problems drinking and eating. These are all signs of a serious acute kidney condition. Mr. Fletcher was later discovered to be in acute kidney failure.

2. Plaintiff and his counsel require the identities of these nurses to serve them with discovery, to learn what they know, and to name in the lawsuit.

3. The Evening Shift Nurse on March 10 was initially listed as a Jane Doe in the lawsuit, but Corizon, through its disclosures and its attorney, specifically identified this nurse as Joyce Sanchez, who is currently named in the lawsuit. Since, Corizon has admitted that Joyce Sanchez is not the correct nurse, and in fact Joyce Sanchez did not even begin working for Corizon until long after the time period in question.

4. Corizon has never even purported to identify the Night Shift Nurse on March 9, 2013.
5. Plaintiff's attorneys have sent multiple discovery requests in order to identify the nurses:
 - a. Plaintiff's First Interrogatories to Corizon, served on November 26, 2014, specifically and solely requested the identities of every person providing care to Plaintiff while in the Justice Center in March of 2013 (*see* Ex. 1)¹;
 - b. On August 18, 2015, due to Corizon's complete lack of either willingness or ability to identify these nurses, Plaintiff's counsel requested a list of all the nurses who were employed at the Justice Center in March of 2013, so that Plaintiff's counsel could themselves identify the nurses, rather than relying on Corizon (*see* Ex. 2);
 - c. In addition, Plaintiff's counsel asked each named nurse in this lawsuit the identity of the Evening Shift nurse on March 10, 2013, both directly and by attempting to recognize the nurse's signature (*see* Exs. 3-5 (Interrogatory Number 6 in all documents)).
6. Again, Corizon and the nurses have failed to respond to these requests in full, and have not identified either nurse. The named nurses made no attempt to identify their co-worker. Further, despite Plaintiff's counsel's good faith attempts to resolve this dispute, Corizon has been unwilling to respond to these requests and simply identify the nurses.
7. Counsel certifies that Associate Attorney, Jeffrey A. Herman, certified that he conferred by telephone with the opposing counsel in good faith or has made reasonable efforts to

¹ To avoid disclosing potentially confidential information, Plaintiff's requests only (and not the responses) are included with this motion.

do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. Mr. Herman represents that he asked for this information in emails, in person, and on the telephone with counsel for Corizon and that they have refused to provide this information.

WHERERFORE, Plaintiff respectfully requests that the Court grant his motion to compel and order defendants Corizon, Straughter, Scott, and Sanchez to respond to the discovery requests and fully identify the nurses, and for such other legal, equitable, or procedural relief the Court deems appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A true copy of the foregoing has been served upon all parties by depositing a copy of the same in the United States mail, postage pre-paid, this 23rd day of December, 2015 addressed to the attorneys of record herein:

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